

United States Court of Appeals  
For the Eighth Circuit

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No. 12-1680

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Sanjuana Uttecht

*Petitioner*

v.

Janet Napolitano, Secretary

*Respondent*

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Petition for Review of an Order of the  
Department of Homeland Security

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Submitted: April 22, 2013

Filed: April 25, 2013

[Unpublished]

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Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

Sanjuana Uttecht petitions for review of an order issued by the Department of Homeland Security (DHS), reinstating a prior removal order against her. Upon careful review, we conclude that DHS properly issued the reinstatement order after confirming Uttecht's identity and determining that she previously had been ordered removed and had not sought permission to reenter the United States. See 8 U.S.C.

§ 1231(a)(5) (if Attorney General determines that alien has illegally reentered United States after having been ordered removed, prior removal order is reinstated); 8 C.F.R. § 241.8(a) (factors to determine applicability of § 1231(a)(5)); see also Ochoa-Carrillo v. Gonzales, 437 F.3d 842, 843 (8th Cir. 2006) (court of appeals has jurisdiction to review reinstatement order). We also find no merit to Uttecht's contention that her due process rights were violated because DHS did not provide her with a certain file. See Zheng v. Holder, 698 F.3d 710, 714 (8th Cir. 2012) (due process challenge in context of immigration proceeding is reviewed de novo); Ochoa-Carrillo, 437 F.3d at 847 (to succeed on due process claim, petitioner must "prove that he was actually prejudiced by the lack of process afforded to him").

Accordingly, we deny the petition. See 8th Cir. R. 47B.

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